

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

MANOR MOTORCAR CO. d/b/a
MERCEDES-BENZ OF NOVI, ESTATE
MOTORS LTD. d/b/a MERCEDES-BENZ
OF BLOOMFIELD HILLS, PARKVIEW
MOTORCAR, INC. d/b/a MERCEDES-BENZ
OF ROCHESTER HILLS, CHARLES J.
GHESQUIERE, JR., LEE B. GHESQUIERE
and C. J. GHESQUIERE, III,

Plaintiffs,

v.

MERCEDES-BENZ USA, INC.,

Defendant.

Case Number: 5:05CV60243

Judge: O'Meara, John Corbett

Magistrate Judge: Morgan, Virginia M.

**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS COUNTS II AND III OF PLAINTIFFS' COMPLAINT**

At a Session of Said Court held in the
United States District Court for
the Eastern District of Michigan:
on: March 22, 2006

PRESENT: . JOHN CORBETT O'MEARA
Honorable John C. O'Meara

This matter having come before the Court on Defendant Mercedes-Benz, USA, LLC's Motion to Dismiss Counts II and III of Plaintiffs' Complaint; and the Court having read the papers filed regarding said motion, heard oral argument, and being otherwise advised in the premises;

NOW, THEREFORE, IT IS ORDERED that the Court GRANTS Defendant Mercedes-Benz, USA, LLC's Motion to Dismiss Counts II and III of Plaintiffs' Complaint, and dismisses Counts II and III of Plaintiffs' Complaint.

IT IS SO ORDERED.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: March 22, 2006

Approved as to form:

<p><u>s/</u> Raymond J. Foresman Jason W. Johnson Willingham & Cote, P.C. 333 Albert Street, Suite 500 East Lansing, MI 48823</p> <p>Shawn D. Mercer Frank X. Trainor, III Myers & Fuller, P.A. P.O. Box 97297 Raleigh, NC 27615</p> <p>Attorneys for Plaintiffs</p>	<p><u>s/</u> Anthony A. Agosta, Esq. Clark Hill PLC 500 Woodward Avenue, Suite 3500 Detroit, MI 48226-3534 Telephone: (313) 965-8300 Facsimile: (313) 965-8252 E-Mail: aagosta@clarkhill.com</p> <p>Mark F. Kennedy Wheeler Trigg Kennedy LLP 1801 California Street, Suite 3600 Denver, Colorado 80202 Telephone: (303) 244-1800 Facsimile: (303) 244-1879 E-Mail: kennedy@wtklaw.com</p> <p>Attorneys for Defendant Mercedes-Benz USA, Inc .</p>
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